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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service as Express Mail Service, Express Mail No. EE863295436US, under 37 C.F.R. §1.10, on March 30, 1999, in an envelope addressed to: **Box Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231.**

  
Peter J. Manso, Reg. No. 32,264

  
Date

In re Application of: Eugenio A. Cefali  
 Serial No.: 08/960,557  
 Filing Date: October 31, 1997  
 Group Art Unit: 1615  
 Examiner: J. Spear  
 Title: **METHODS FOR TREATING HYPERLIPIDEMIA WITH  
 INTERMEDIATE RELEASE NICOTINIC ACID  
 COMPOSITIONS HAVING UNIQUE BIOPHARMACEUTICAL  
 CHARACTERISTICS**

RECEIVED

Box Amendment  
 Assistant Commissioner of Patents  
 Washington, D.C. 20231

APR 29 1999  
 SPECIAL PROGRAMS OFFICE  
 DAC FOR PATENTS

Dear Sir:

**PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 CFR §1.137(b)**

The above-identified application was unintentionally allowed to go abandoned on March 23, 1999 for failure to timely file a response to the Office Action. Applicant hereby respectfully petitions to revive the above-identified application under 37 CFR §1.137(b). Submitted herewith is a proposed response by Applicant.

**Statement Concerning Unintentional Abandonment**

Applicant respectfully submits that the above-identified application was unintentionally abandoned. The final due date of the Office Action was inadvertently and unintentionally mis-read as September 25, 1998, not September 23, 1998.



08/960557

6P/1615

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Transmitted herewith for filing, please find the following:

- (1) Amendment dated March 30, 1999;
- (2) Copy of Dr. Straughn's Declaration including all Exhibits 1-13; and
- (3) Return Postcard.

APR 05 1999

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To the extent any fees are due, including any fees for filing this petition to revive, extensions of time, and any new claims fees, for which payment has not been made, the Assistant Commissioner is hereby authorized to charge such fees to our deposit account number, Account No. 10-0447/32892-00023. A duplication of this paper is submitted herewith. A small entity status had been previously filed in this case.

If you should have any questions or require additional information or clarification, Applicant respectfully requests that you contact the attorney of record herein, Peter J. Manso, at the phone numbers noted below at your earliest convenience.

Respectfully Submitted,

  
Peter J. Manso  
Reg. No. 32,264

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